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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT PAPER NUMBER

2155

6

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten marks: a checkmark and the letter 'C'.

Handwritten signature.

Office Action Summary

Application No.

09/777,884

Applicant(s)

JOHANSON ET AL.

Examiner

Victor Lesniewski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☒ Claim(s) 8, 14, 18, 22, 26, and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined.
2. Claims 1-29 are now pending.

Claim Objections

3. Claims 8, 14, 18, 22, 26, and 29 are objected to because the use of the trademark in the claims is improper. In order to refer to the Bluetooth protocol in the claims, remove the TM superscript after each occurrence of "Bluetooth." The use of the trademark in the claims identifies the source of the protocol and not the industry standard itself. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 6, 7, 9, 12, 13, 15, 17, 19-21, 23-25, 27, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Beason et al. (U.S. Patent Number 6,373,430), hereinafter referred to as Beason.
6. Beason has disclosed:

- <Claim 1>

A system for communicating with nearby electronic devices comprising: a first electronic device; at least one other electronic device; said first electronic device broadcasting a first signal requesting location coordinates from electronic devices within range; and said at least one other electronic device within a predetermined range of said first electronic device receiving said first signal and transmitting a second response signal containing its location coordinates (column 3, lines 49-60).

- <Claim 2>

The system as in claim 1 wherein said first electronic device receives said second response signal and visually displays said at least one other electronic device indicating the position of said at least one other electronic device relative to said first electronic device (column 4, lines 3-15).

- <Claim 6>

The system as in claim 1 wherein one of said at least one other electronic device can be selected at said electronic device to communicate with said electronic device (column 3, lines 61-66).

- <Claim 7>

The system as in claim 1 wherein said first and second signals are radio signals (column 3, lines 49-60).

- <Claim 9>

An electronic device comprising: a transceiver; a controller coupled to said transceiver; a display screen coupled to said controller; a user input device coupled to said controller;

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and a GPS receiver coupled to said controller (column 3, lines 25-45); said controller operating in response to a first input at said electronic device to cause said transceiver to transmit a first signal requesting a response signal from another electronic device containing the GPS coordinates of said another electronic device (column 3, lines 53-57); said controller further operating in response to receipt of said response signal from said another electronic device to visually display on said display screen the position of said another electronic device relative to said first electronic device (column 4, lines 3-15).

- <Claim 12>

The device as in claim 9 wherein said controller further operates in response to receipt of response signals from a plurality of electronic devices to visually display on said display screen the position of each of said plurality of electronic devices relative to said first electronic device (column 4, lines 3-15).

- <Claim 13>

A device as in claim 9 wherein said first and second signals are radio signals (column 3, lines 49-60).

- <Claim 15>

An electronic device comprising: a transceiver; a controller coupled to said transceiver; and a GPS receiver coupled to said controller (column 3, lines 25-33); said controller operating in response to receipt of a first signal from another electronic device requesting the GPS coordinates of said electronic device; said controller causing a second response signal containing the GPS coordinates of said electronic device to be transmitted (column 3, lines 53-57).

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- <Claim 17>

A device as in claim 15 wherein said first and second signals are radio signals (column 3, lines 49-60).

- <Claim 19>

A method for communicating with nearby electronic devices comprising the steps of: transmitting a first signal from a user location to a least one electronic device requesting GPS coordinates; detecting said first signal at said at least one electronic device; transmitting a second signal from said at least one electronic device to said user location containing the GPS coordinates of said at least one electronic device (column 3, lines 49-60); detecting said second signal containing the GPS coordinates of said at least one electronic device at said user location; and displaying the location of said at least one electronic device associated with a received second signal relative to the user location (column 4, lines 3-15).

- <Claim 20>

A method as in claim 19 further comprising the step of: selecting one of said at least one electronic device at said user location according to said displayed location of said at least one electronic device; said user location communicating with said selected electronic device (column 3, lines 61-66).

- <Claim 21>

A method as in claim 19 wherein said first and second signals are radio signals (column 3, lines 49-60).

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- <Claim 23>

A method for communicating with nearby electronic devices comprising the steps of: displaying the location of at least one other electronic device relative to a user electronic device (column 4, lines 3-15); selecting a target electronic device according to said displayed location (column 4, lines 15-21); and communicating with said selected electronic device (column 3, lines 61-66).

- <Claim 24>

A method as in claim 23 further comprising the steps of: transmitting a first signal from a user location to a least one electronic device requesting location coordinates; detecting a second signal containing the location coordinates of said at least one electronic device at said user location (column 3, lines 49-60).

- <Claim 25>

A method as in claim 14 wherein said first and second signals are radio signals (column 3, lines 49-60).

- <Claim 27>

A method for communicating with nearby electronic devices comprising the steps of: detecting a first signal at an electronic device requesting the location coordinates of said electronic device; transmitting a second response signal containing the location coordinates of said electronic device (column 3, lines 49-60).

- <Claim 28>

A method as in claim 27 wherein said first and second signals are radio signals (column 3, lines 49-60).

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Since all the limitations of the invention as broadly set forth in claims 1, 2, 6, 7, 9, 12, 13, 15, 17, 19-21, 23-25, 27, and 28 were disclosed by Beason, claims 1, 2, 6, 7, 9, 12, 13, 15, 17, 19-21, 23-25, 27, and 28 are rejected.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under U.S.C. 103(a) as being unpatentable over Beason, as applied above, in view of Itoh et al. (U.S. Patent Number 5,684,703), hereinafter referred to as Itoh.

9. Beason disclosed a portable unit that communicates over a wireless radio network with at least one other unit which is transmitting radio signals over the network indicative of that unit's location. In an analogous art, Itoh disclosed a vehicle navigation apparatus that displays guidance and maps on a display unit. Both systems are designed to obtain location information for the user and both use GPS receivers.

10. Concerning claim 3, Beason did not explicitly state that his display could be adjustable. However, the display in Itoh's system is adjustable, specifically by scrolling or changing the scale. Since the inventions encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system provided by Beason by adding an adjustable display as provided by Itoh. This would make sense because it would allow for more user friendly navigation with Beason's display.

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11. Thereby, the combination of Beason and Itoh discloses:

- <Claim 3>

The system as in claim 1 wherein the maximum distance said at least one other electronic device can be from said electronic device and be displayed is adjustable (Itoh, column 4, lines 51-57).

Since the combination of Beason and Itoh discloses all of the above limitations, claim 3 is rejected.

12. Claims 4, 5, 10, 11, and 16 are rejected under U.S.C. 103(a) as being unpatentable over Beason, as applied above, in view of Mauney et al. (U.S. Patent Number 6,484,027), hereinafter referred to as Mauney.

13. Beason disclosed a portable unit that communicates over a wireless radio network with at least one other unit which is transmitting radio signals over the network indicative of that unit's location. In an analogous art, Mauney disclosed a wireless handset capable of direct communication between another like handset. Just as Beason's system, Mauney's system allows the user to determine which other wireless handsets are located within a predetermined operating range.

14. Concerning claims 4, 5, 10, 11, and 16, Beason did not explicitly state that his system could transmit and display the type of electronic device being communicated with. However, Mauney's system transmits more data than just the location. It can also transmit details such as a name or identification data for each device. It is clear that this data would be descriptive of the type of device as Mauney states the variety of devices his system can communicate with,

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specifically other wireless handsets, paging devices, beeping devices, etc. See column 7, lines 56-59. Since the inventions encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system provided by Beason by adding the ability to transmit and display the type of device as provided by Mauney. This would make sense because it would allow for more user friendly navigation with Beason's device.

15. Thereby, the combination of Beason and Mauney discloses:

- <Claim 4>

The system as in claim 1 wherein said second response signal includes the type of said at least one electronic device in said second response signal (Mauney, column 8, lines 15-41).

- <Claim 5>

The system as in claim 4 wherein said first electronic device displays the type of said at least one other electronic device (Mauney, column 8, lines 15-41).

- <Claim 10>

The device as in claim 9 wherein said first signal also requests the device type of said another electronic device (Mauney, column 8, lines 15-41).

- <Claim 11>

The device as in claim 10 wherein said visual display also includes the device type of said another electronic device (Mauney, column 8, lines 15-41).

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- <Claim 16>

The device as in claim 15 wherein said first signal also requests the device type of said electronic device and said second response signal also includes the device type of said electronic device (Mauney, column 8, lines 15-41).

Since the combination of Beason and Mauney discloses all of the above limitations, claims 4, 5, 10, 11, and 16 are rejected.

16. Claims 8, 14, 18, 22, 26, and 29 are rejected under U.S.C. 103(a) as being unpatentable over Beason, as applied above, in view of Official Notice.

17. Concerning claims 8, 14, 18, 22, 26, and 29, the Bluetooth specification was well known in the art at the time of the applicant's invention. As an example see the non-patent literature cited entitled "Bluetooth—The universal radio interface for ad hoc, wireless connectivity."

18. The combination discloses:

- <Claim 8>

The system as in claim 7 wherein said radio signals are Bluetooth compliant (Official Notice).

- <Claim 14>

A device as in claim 13 wherein said radio signals are Bluetooth compliant (Official Notice).

- <Claim 18>

A device as in claim 17 wherein said radio signals are Bluetooth compliant (Official Notice).

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- <Claim 22>

A method as in claim 21 wherein said radio signals are Bluetooth compliant (Official Notice).

- <Claim 26>

A method as in claim 25 wherein said radio signals are Bluetooth compliant (Official Notice).

- <Claim 29>

A method as in claim 28 wherein said radio signals are Bluetooth compliant (Official Notice).

Since the combination of Beason and Official Notice discloses all of the above limitations, claims 8, 14, 18, 22, 26, and 29 are rejected.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Millington (U.S. Patent Number 6,037,942) disclosed a graphical user interface for a navigation system.
- Bork et al. (U.S. Patent Number 6,246,376) disclosed a system for wireless communication between two devices allowing the transfer of location information.
- Reed et al. (U.S. Patent Number 6,275,707) disclosed a method for assigning location estimates from a first transceiver to a second transceiver.

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- Haartsen, Jaap, "Bluetooth—The universal radio interface for ad hoc, wireless connectivity," Ericsson Review No. 3, 1998, pgs. 110-117.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 703-308-6165.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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